v. *Melville*, 13 N. S. W. L. R. 132. See *Lucas* v. *Mason*, L. R. 10 Exch. 251, 254. It is not certain that the assembly could compel the attendance of a member to be reprimanded rather than to aid in its legislative functions. But conceding this power in the assembly, it is not such a needful incident to the office of the speaker that it can fairly be said to be delegated to him in the absence of an express authorization. The result reached by the court in the principal case is thus, it seems, correct.

LICENSES — LICENSOR'S LIABILITY TO LICENSEE — AFFIRMATIVE NEGLIGENT ACTS. — The plaintiff, in common with the public, had for many years used a road across the defendant's premises, on which a quarry had gradually been enlarged in the direction of the roadway. The excavation was then rapidly advanced toward and across the road without the plaintiff's knowledge. The plaintiff, while walking on the road at night, fell into the quarry and was injured. *Held*, that he cannot recover. *Fox* v. *Warner-Quinlan Asphalt Co.*, 204 N. Y. 240, 97 N. E. 497.

Continuous use of a private way by members of the public makes them no more than bare licensees. *Stevens* v. *Nichols*, 155 Mass. 472, 29 N. E. 1150. *Cf. Hounsell* v. *Smyth*, 7 C. B. N. S. 731. *Contra, Hanson* v. *Spokane, etc. Water Co.*, 58 Wash. 6, 107 Pac. 863. The landowner owes to licensees no duty to make the premises safe. *Gautret* v. *Egerton*, L. R. 2 C. P. 371. It has been held that he is liable to them only for wilful injury. *Illinois Central R. Co.* v. *Godfrey*, 71 Ill. 500; *Dixon* v. *Swift*, 98 Me. 207, 56 Atl. 761. Since, however, the presence of licensees is foreseeable, most courts hold that property-owners must refrain from acts likely to injure them. *Corrigan* v. *Union Sugar Refinery*, 98 Mass. 577; *Felton* v. *Aubrey*, 74 Fed. 350. A distinction has been made between directly bringing force to bear against licensees and altering the condition of the premises without taking proper precautions, which has been held a mere omission. *Nicholson* v. *Erie Ry. Co.*, 41 N. Y. 525. See *Byrne* v. *New York, etc. R. Co.*, 104 N. Y. 362, 366, 10 N. E. 539, 540. Alteration, however, is certainly affirmative action, and if calculated to injure licensees, is negligence towards them. *Corby* v. *Hill*, 4 C. B. N. S. 556; *Rooney* v. *Woolworth*, 78 Conn. 167, 61 Atl. 366. The landowner, however, may properly assume that they will foresee the gradual changes likely to be made in the ordinary course of business. *M'Cann* v. *Thilemann*, 36 N. Y. Misc. 145, 72 N. Y. Supp. 1076. Where, however, the alteration, as in the principal case, is made suddenly and without warning, it would seem that the defendant should be liable. *Cf. Carskaddon* v. *Mills*, 5 Ind. App. 22, 31 N. E. 559.

MANDAMUS — PARTIES — RIGHT OF PRIVATE CITIZEN TO COMPEL ISSUANCE OF WARRANT FOR ARREST. — The petitioner, a private individual, sought by *mandamus* proceedings to compel a justice of the peace to issue a warrant for arrest on a criminal charge of baseball playing on Sunday. *Held*, that he is not a proper relator. *Nichelson* v. *State ex rel. Blitch*, 57 So. 194 (Fla.).

By the weight of authority any member of the public may institute proceedings in *mandamus* on a matter of public interest without showing any special interest in himself. *People ex rel. Case* v. *Collins*, 19 Wend. (N. Y.) 56; *State ex rel. Ferry* v. *Williams*, 41 N. J. L. 332. The principal case denies the plaintiff the right on the ground that the matter in question is of interest only to the state as sovereign. There is, doubtless, a distinction between matters of interest to the government as such and those of interest to the public. See *Berube* v. *Wheeler*, 128 Mich. 32, 35, 87 N. W. 50, 51. But it is submitted that the public is interested in this particular matter. The authorities recognize such an interest in a private citizen to force a magistrate to act in his proper district. *State ex rel. Ferguson* v. *Shropshire*, 4 Neb. 411. So also the public is interested in the enforcement of the liquor laws. *State ex rel. Ferry* v. *Williams, supra.*